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BUSINESS REGULATION

DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Board Meeting Minutes – March 25, 2019 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3, Boston

Board Members Present:

- Walter White (WW)
- Jane Hardin (JH)
- Ray Glazier (RG)
- Jeffrey Dougan (JD)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

- William Joyce, Compliance Officer, (WJ)
- Kevin Scanlon, General Counsel, DPL (KS)
- John High, Assistant Legal Counsel and Director of External Affairs, DLP (JH)
- Karen Brann, Program Coordinator (KB)

Members not present:

- Andrew Bedar (AB)

DG arriving late.

WW, PM, HR, DJ, JH, JD, DG

The Chair opened the meeting.

Incoming Case Review:

1. ARC of Opportunity – Advisory Opinion

The Board received a request for an Advisory Opinion from Fitchburg Building Dept. regarding a DDS funded group homes operated by the ARC of Opportunity regarding. Specifically, they are seeking guidance whether 521 CMR applies to specific types of residential homes operated by the ARC.

*PM motioned to schedule a public hearing regarding the DDS home issues.
DJ seconded, DG and RG abstained, motion passed.*

2. North West corner of Federal and Mathews, Boston, V19-055

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Sidewalk around Federal Street. Cross slope on Federal, Matthews street varies. Dealing with topography issues. The granite slabs and with are the issues. 7% cross slope is difficult.

RG motioned to deny and have petitioner come back with a plan on Matthews Street. JH seconded, passed unanimously.

Federal St.

JH motioned to Grant JD seconded, passed unanimously.

Curb cuts

Not proposing to change street topography. Existing street won't comply.

JH motioned to continue for information of the slope. PM seconded, passed unanimously.

3. Science and Engineering Building, UMass Dartmouth, V19-057

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking 8 variances.

JD motioned to packet for 4/8. JH second, passed unanimously.

4. Six Story Building, 3200 Washington Street, Jamaica Plain, V19-058

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents. Petitioner is seeking relief for sink depths.

JD motioned to grant with the usual sink conditions. PM seconded, passed unanimously.

5. Mary Baker Eddy Historic House, 400 Beacon Street, Newton, V19-059

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

18 Variances.

JD motioned to packet for 4/8. DJ seconded, passed unanimously.

6. The Central Building, Childcare Center, 332 Main Street, Worcester, V19-060

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Lack of vertical access in tenancy. The petitioner proposes use of a common elevator.

HR – We should ask for a plan that shows where a LULA could be located.

There are other limitations that children may face.

HR motioned to continue and request petitioner to provide a study showing the feasibility of a LULA in a closer location. RG seconded, passed unanimously.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

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Executive Director Update

DPL's Kevin Scanlon and Ron Cogliano met with folks last week regarding the Executive Director position. The position has been posted. We will put together a hiring panel which will include two members of the Board. The Board can figure out who wants to be a panel member. Staff will provide further updates on the hiring process as it moves forward.

8. Andover Hall, 45 Francis Avenue, Cambridge, V19-056

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Addition to classroom building

25.1 – West and East entrances

4 variances.

JD motioned to packet. JH seconded, passed unanimously.

9. Tilton Hall, 1 Tilton Avenue, Somerville, V19-054

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of dormitory, full compliance, 4 variances.

8.4 – no group 2b units under the MOU

JD motioned to grant as proposed as long it is in line with MOU.

JH seconded, passed unanimously.

20.11.1

DG motioned to grant on the condition the stairwell that provides the second means of egress meets 27.4 handrails, stairs, etc. JH seconded, passed unanimously.

26.6.3 South hallway doors lack clearance, will be held open unless of a fire alarm.

JD motioned to grant on the condition the door specified are held open when the building is open to the public except for emergencies. RG seconded, passed unanimously.

28.1

JD motioned to grant on condition stair wells comply with 27. DG seconded, passed unanimously.

10. Manning and Associates Physical Therapy, 10 Amelia Drive, Nantucket, V19-061

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

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Currently there is no elevator to the basement level. The Board previously granted relief to the front.

Services on both floors will be identical.

HR left the room

HR came back

JD motioned to grant on the condition services are the same on both levels. JH seconded, passed unanimously.

JD motioned to have staff follow up with the owner to verify that the basement was not part of original plan and to have a discussion with the building dept. If needed the variance application needs to be amended, or the petitioner needs to comply. RG seconded, passed unanimously.

11. First Baptist Church of New England, 149 William Street, New Bedford, V19-066

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

JD motioned to packet 4/8. PM seconded, passed unanimously.

Hearing

10:30 a.m. –Elmer Raymond Jr. Park, 1138 Long Pond Road, Plymouth, C18-016 (Complaint)

Nelson Memorial Park, 235 Water Street, Plymouth, C18-014 (Complaint)

Forges Field, 80 Jordan Road, Plymouth, C18-015 (Complaint)

Exhibit #1 Hearing packet AAB

Exhibit #2 Information from the Town of Plymouth on work that has been done since the complaint

Exhibit #3 – Pictures of picnic tables on concrete slabs

Jonthan Beder, Town of Plymouth, DPW Director (JB)

Marlene McCowen, Plymouth Assistant Town Manager (MM)

Heidi MacCurtain, Complainant (HM)

Greg MacCurtain, Complainant (GM)

William Joyce, AAB Compliance Officer (WJ)

WW – motioned for the board to consolidate all three complaints, C18-016, C18-015, C18-014, as 1 hearing. HR seconded, passed unanimously.

The Chair swore the parties in.

WW, RG, PM, JH, HR, DG, JD

JD recused himself and left the room.

The Chair disclosed that his parents owned a house on White Horse Beach for 65 years but has not had any involvement with any of the parks being discussed.

WJ – There are three complaints, received at the same time by Independence Assoc. First Notice sent May 8, 2018.

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Didn't receive variance applications.

MM – Thank you for consolidating the parks into one hearing. We have no objections to the complaints. Would like to tell you what we have done and the steps we have taken to remedy the situation.

Forges is the most centrally located of the three parks. Article 10 of town meeting, money is available. Have contracted with M. E. O'Brien and sons to do the design. Construction will start in early May and take three weeks.

We have a town meeting on 4/6, article 9 is on the special town meeting to address the other two playgrounds. CPA funds, have full support from capital improvement committee. Expect remainder of funds available after town meeting. Funds will be available mid-April.

RG motioned to find in favor of the complainant. HR seconded, passed unanimously.

WW - Is this going to be rubber?

MM - Poured in place rubber surface.

MM - For Nelson we have for the path of travel wood fiber safety surface. Not contracted yet for Nelson. If it is something we need to look into we will.

Complainant arrived.

The Chair swore in the parties.

MM -The Town updated the complainants on the proceedings.

HM - It doesn't have to go out to bid for that amount of money? It requires three bids. Don't want to move forward and have it hit a speed bump because of procurement.

MM - We have been working with the same firm for all three. We don't need to bid individually for three separate projects.

GM - I have concerns on the resurfacing of Forges there is a retaining wall.

JB - I know that the proposal is to provide access, I will make sure it does happen.

WW - The requirement is an accessible route.

WW – The Board's standard is firm, stable and slip resistant. There is a mat that fits over the wood fiber.

WJ – In January the board moved to set up testing for surface materials. It was posted on board's website. Asked for a plan, 1 x 1 sample, and certification of fall requirements, maintenance and upkeep.

MM- For Nelson we will take a look at plans and specs. Based on square footage, it doesn't look like much of a difference in price. We will look at an alternative material and be in touch with the office with questions.

WW –We would like to see a final plan.

JB – Do you want to see the plans before or after the work is done?

WW - Prior to.

GM - Clarification on mat, is it a blue mat?

WW - it is a MOBY mat. We are in a test period.

WJ – Newton case, described the mat.

JB - Forges is going to be the poured in place.

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DG – you are confident it will pass. If is your intent to come back for a variance?

MM - if it doesn't pass in April we will figure out why. Then go to the October meeting. We will find a way to fix the objection. We don't want to borrow money for the project. If it is the amount of funding will look at design and get approval for alternative material.

GM – Is the board familiar with the playgrounds? Forges is a major playground in the town. My son plays baseball there. Nelson is in the downtown area. We would like to see Nelson be poured and not left as beach sand. The third park is not as visited.

WW - our jurisdiction is the route around playground and route to each structure.

MM - At Nelson there is a lot of sand in between structures. We are anticipating pouring around each of the three and connected.

WJ - item number 3 play equipment on the map.

JB - AAB 9 and 10

HR – Submit engineering plans before work.

JB - will a proposal and specs. be good? A copy of the proposal for Forges is in the packet.

JB - does it need to be stamped?

WW - it would be nice if it is stamped.

WJ – a simple drawing laying out the proposed routes.

WW - are these parks relatively flat?

JB - yes

HM – Nelson does drop down.

PM – make sure the drawing have dimensions for accessible path, slopes, and material.

GM – Nelson – it is not in the complaint, but new poured concrete for the picnic table

WJ - 5 % or not less than 1 needs to be compliant.

MM - is the complaint being amended to include that?

WW - it doesn't need to be. Can you incorporate it?

MM - we can attempt to incorporate it. May need to be handled separately.

WW - might ask you to do a study of accessible table and routes.

PM - picnic table might be easy solution.

MM - can I clarify? One of the sets of tables does have the space but not all three.

I think the issue is and I will confirm it is the additional path.

GM - all the picnic tables are in the photo. Not sure which table talking about.

HR motioned to accept the town's plan for compliance for Forges Field with a completion date of 7/1/19, and accept the plan for completion of the other two parks for the work to be completed by 11/1/2019, drawings need to be provided to the Board including dimension and materials, slopes before construction and a study to review access to the picnic tables at Nelson and accessible route to it by 6/1/2019. PM seconded, passed unanimously.

JB we will work on Forges first. Then the other two parks after. We will be able to inform you on the progress in May.

12. Becker College, 84 William Street, Worcester, V19-062

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief to leave the front entrance inaccessible. Accessible entrance will be in the rear.

Second and third floors are for employees only.

JH motioned to grant. DJ seconded, JD abstained, motion passed.

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13. Commercial Office Purpose, 619 South Street, Fitchburg, V19-063

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Petitioner seeks relief from the requirement that multistory buildings be served by elevators to the second floor commercial space. Entrances and toilet rooms are being made accessible. Not clear what is in space.

JD motioned to continue for information on use of second floor.

JH seconded, passed unanimously.

14. Ryan Family Amusement, 19 Circuit Avenue, Oak Bluffs, V19-064

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Proposing to relocate accessible entrance to comply but will be inaccessible. The petitioner proposed to install an auto door opener without a buzzer, just have to walk up to it. Also proposing anytime the arcade is open the front wall that opens entrance will be opened. 3.3.1a

JH motioned to grant. DJ seconded, passed unanimously.

15. Existing Two Story, 20 Triangle Street, Amherst, V19-065

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking 4 variances.

25.1 – maintain street side entrance in current configuration.

Amherst commission voted on all 4 and on this voted to recommend the variance on the condition of lighting on the path.

Entrance - JD motioned to grant on the condition of adequate lighting as proposed.

JH seconded, passed unanimously.

Elevators – LULA will be costly as most public use on first floor, meetings can be held in the seminar room on the first floor if needed. Commission supports, Joe Tringali opposes.

JD motioned to grant on the condition the Board receives and reviews the policy.

JH seconded, passed unanimously.

Parking – have 1 van space, below 15 no jurisdiction.

Have two alternatives for van parking.

JD motioned that 521 CMR has no jurisdiction over the parking.

JH seconded, passed unanimously.

Toilet rooms second floor not accessible. Proposing one on first floor. Commission supports current layout

~~*JH motioned to grant. JD seconded, passed unanimously.*~~

JH withdrew motion.

JH Motioned to grant no access on the second floor. JD seconded, passed unanimously.

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16. Three Apartment Buildings, 2300, 2310, 2320 Commonwealth Ave., Newton, V19-068
Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Elevator modernization out for 7 weeks staggering the work. Proposing to relocate people to the ground floor if there are no units available on the ground floor, will relocate the people off site at the building owner's expense or release people from their lease. Once the renovation done people can move back in. JH seconded

JD motioned to grant temporary relief to 28.1 until 1/2010 on the conditions that affected residents may be relocate to the ground floor, if no available units, will relocate to a hotel at the building owners expense, once the renovations are completed the people can move back into their unit, or be let out of lease if needed. JH seconded, passed unanimously.

17. Miraval Manson Building, 55 Lee Road, Lenox, V19-070

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking 9 variances.

JD motioned to packet. RG seconded, passed unanimously.

18. Clippership Apartments, 125 Sumner Street, East Boston, V19-071

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and assoc.

Seeking relief from sink depth requirements.

*JD motioned to grant relief from the sink depth requirements with the usual conditions.
DG second. Passed unanimously.*

19. Clippership Apartments, 133 Summer Street, East Boston, V19-072

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

There is no access to 4 of the 10 ground units.

PM motioned to grant only on the accessible entrance requirements but preserve other group 1 requirements. RG seconded, passed unanimously.

Sink depths. JD motioned to grant on the sink depths with the usual conditions. DG seconded, passed unanimously.

1:00 p.m. – Truth Organic Spa, 55 Main Street, North Grafton, V18-331(Variance Hearing)

Exhibit #1 AAB 1-48

Julie Bovenzi, Owner Truth Organic Spa

Ronald Bellarosa, Truth Organic Spa

The Board swore the parties in.

RG, JD, PM, WW, JH, HR, DG, DJ

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JB- I bought the 100 year old building in 2017. I have been a massage therapist for 33 years. My business grew. I hired an architect to help with the plans. Drew up plans and followed the plans. First plans didn't require access. Then exceeded price and needed to bring up to code. The float room I said to the contractor how come the bathroom has to be accessible when float pod isn't accessible. We called the state and this is how we got here. Float pod is for people with anxiety, stress, the water has 1000 lbs of salt and makes you buoyant. It is also called a sensory deprivation tank. Mr. Hopkins said handicapped people know their limitations but you need to make it as accessible as possible. Mr. Hopkins said to get a slide board and put up a grab bar. Two accessible bathrooms. Have ramps. Waiting to purchase a slide.

RB- I don't know if a lift could be possible.

JH – I know one thing that impressed me is that you needed to open.

JB - The board wrote a letter to the building inspector to let us open.

RB - The float is on hold we haven't had delivery of it yet.

PM – Did the architect miss the design?

JB - None of them mentioned handicapped accessibility. There are 15 float tanks in this state. They are now putting a Float Board together by the end of summer. They are treating it as a recreational pool.

PM – The reference should be 521 CMR instead of ANCY.

RB - Didn't realize it wasn't in compliance with the state.

JH motioned to grant relief for the float tank with the use of a slide board with pictures and how the board is used given to the Board, also a grab bar and language on the website stating that the slide board will be provided if needed. DJ seconded, passed unanimously.

RB – The ramps are a bigger issue. When doing the remodeling we were under the budget then work bumped us over the budget.

JB - I wanted to do it right. I was going to go with a lift but then thought about ramps and the architect drew up drawings of ramps. When I gave blueprints for pod it came back to me saying the ramps are wrong. No internal way for a handicapped person to go upstairs. Can go into the basement by internal ramp. Then outside ramp to get to main floor.

RB AAB 19 shows basement and front of the building. The slope on ramp is legal and took up space. The entrance to go down and entrance to go up are next to each other. Have to go outside.

WJ – I see three variances they need.

JB - we didn't remodel the bathroom. We have two other bathrooms.

Could be made employee only.

JH - would it be something you could consider down the road aiming towards an internal lift down the road.

JB – it would take a few years.

JH - I would like to see some protection on the ramp while you are considering putting in a lift.

PM - is this a photo of the outside ramp. I am wondering if they have the right railings and extensions. Would you consider making changes to other handrails?

JB - yes

25.1 front entrance

28.1 lack of vert access

30.1 couples massage bathroom

27.4 handrails for front staircase if needed.

JD - does this building have historic designation?

JB - I don't know if it is on the register. I didn't find it out.

JD - the main level what services

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JB - massages, facials, float room sauna, micro blade

Lower level – yoga and staff does laundry and there is an accessible bathroom.

RG – the picture of the ramp side close to the wall.

JD – getting proper pictures will make it clearer.

JB - I have better pictures. Had a professional company put the railings in.

WW - is there enough space between the railings and balusters.

JD – do you have the permit with you?

JB - I can get it to you.

JD – I do see some differences there. Do people go to yoga class and then go upstairs? I would not be opposed to the variances for this use only and be tied to the sale of the property.

HR motioned to grant relief from 25.1 front entrance, 28.1 internal vertical access, 30.1 for the couples massage room bathroom, on the condition of compliant handrails in the front. These variances are granted for this use only. JH seconded, passed unanimously.

18. Happy place 500 Boylston V19-083

Requested to waive the two week waiting period.

JD motioned to waive two week waiting period. JH seconded

Prefab platform. One, no access to the flower piece.

Second is rainbow room. Proposing a portable lift to the ball pit and not the raised platform.

Flower room

JD motioned to grant. JH seconded, RG and DJ abstained.

Ball pit

PM motioned to require a portable lift to be located on one of stair to have access to the platform. JH seconded. DJ abstained, motion passed.

2:00 p.m. – Forest Street Apartments, 16-19 Forest Street, Cambridge, V18-327

Exhibit #1 Hearing package AAB 1 – 52

Mark Winn, Akelius Real Estate (MW)

Joe Hanley, Attorney (JH)

Richard Rankin, CL Design Architect (RR)

Frank Murphy, Akelius Real Estate

The Chair swore the parties in.

JH - I am the Attorney for Akelius Brief overview. Property is two companion buildings four stories. We engaged with the Executive Director on how to improve the buildings while doing interior remodels. 124 units total. No accessibility currently. There are a series of entrances by stairs off of court yards. Once into the building there are narrow corridors and constraints not feasible for accessibility. Off at grade parking area. The variances are for both buildings together.

RR – I brought some boards and most material is in the application. Looked at various options on how to deal with existing entrances. Vestibules servicing 3 or 4 units per floor. Once we

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were able to solve some of that got to a point on AAB 15 and 16 a winding stair that serves 3 to 4 units. Structural work to reconfigure closures, it seemed that that would be difficult. Each time we do it we access 3 to 4 units. Looked at option of lower level in 16 and 18 via enclosed vestibule adjacent to parking lot. The total is 7 accessible units 5% of total. Photographs indicate what exists. AAB 26 shows layout of lower layout of 16 18. On left of AAB26 curb cuts and access to enclosed entry vestibule. On opposite side same entrance vestibule. Petitioner is seeking relief from 6 sections 5 and 6 are similar.

WW – on AAB 3 and 4

9.4.2

DG - off of the stair and lift, is there a door or is it just open.

Motion activated or card access.

HR - what kind of grade slope changes are there?

RR - the site is effectively level from curb cut to access hallway. 48 inches of change.

PM - did Cambridge commission weigh in?

JH - had communication from the Building inspector. Continued interior work before met the threshold.

JD - I assume there are no three bedrooms or roof access

RR - Correct

9.4.2

JD motioned to grant as proposed for both buildings. HR seconded, passed unanimously.

10.3

Handicap parking – proposing 4 spaces out of the 21 that will be available.

JD what gives me the authority to park?

MW - can pay a monthly fee for space or resident parking on street.

JH – looking as two buildings together, the surface lot services both buildings.

JD motioned to grant proposal of 4 handicap parking spaces with 1 van accessible parking. JH seconded, passed unanimously.

27.2 treads and risers and existing winding stairs.

Nosing is not a problem. Rise and run doesn't meet current mass code. Should be 7 x 11, they are about ¾ inch short of 11,

Rise and run needs to be the same on each step.

RR- AAB 15 and 16. There are winders on back stairs but not all. Concerned with in the event ramp to a vestibule and install a compliant lift the stairs at the adjacent vestibule

JH - because of the consisting restraints.....

JD are there handrails on both sides.

RR - just wall side.

DG – do they comply?

RR- they don't project far enough from the wall

27.2

JD motioned to grant. JH seconded, passed unanimously.

27.4 – handrails

DJ are you planning on putting handrails on both sides and make them compliant?

RR – about 5 ½ feet wide. Various configurations.

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DJ – any reason why you don't want to bring them up to code?

RR - would have to be taken out and replaced with something else. No access to accessible units. We are seeking to leave them as is.

HR – these are wide stairs, with semi compliant risers and treads. Thinking about someone with a cane. There wouldn't be a hand rail for the person to grab on to. Makes for an unsafe condition.

Mark – confusion of size closer to under 4 feet.

Mark – putting handrails in that first entry vestibule is not a problem for us.

Mark – they are a little bigger than 36 inches. The uppers are narrower.

JH – talking about internal stairs to the units.

Hr 0- put handrails on both sides if width is greater than 2 ½ feet.

JH I would want to know more about the handrails.

PM - identify which stairs we are talking about and the materials.

MW - if we need to do handrails on first and second entry we have no problems.

RG motioned to deny on 24.7 and require compliant handrails on both sides all the way up. DJ seconded,

DG, JH no

JD yes, ray yes

WW – no

Motion failed

JH motioned to continue for information on different stairs the width of the stairs and what is involved and current state of the handrails by 4/25/2019.

JD seconded, HR abstained. Motion passed.

28.12 – accessible entrance (lift or ramp vs. elevator)

No unique amenities.

DG - where will the mailboxes for accessible units be.

DG - what is the width of this exit stair

RR- 36 inches.

#5 and #6

28.12 and 28.12.1e

HR number 5 accessible entrance from outside to the inside.

RR - there are 8 existing entrances proposing 2 additional accessible entrances.

RR - we are willing to make entrance handrails comply. Question is how his do we need to go and other stairs we need to include.

#5

~~*JD motioned to continue for handrail analysis. JH seconded,*~~

~~*JD motioned to deny*~~

JD withdrew both motions.

JD really asking for 25.1.

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JD motioned to grant relief from vertical access to the entrances under 25.1, on condition handrails will be evaluated under 24 continuance. DG seconded, RG abstained, motion passed.

JD motioned that no variance is not required no common space on upper level. HR seconded, passed unanimously.

These variances are for both buildings.

19. Firewall Separating Dwelling Units – David Franck, Dream Collaborative, A18-019
Submitted information asked for on the firewalls. Last meeting continued because building inspectors were not present. Does this satisfy being a full fire wall and are they considered separate buildings.

WW - are they building it to create two separate units? Does plot plan show two separate buildings?

WW - looking at plot plans, looks like two separate lots.

If they are on two sep lots with demising wall on the middle that is one issue.

DJ the firewall goes 18 inches above the roof line

The plot plan ... is there a property separation. Not clear it is two separate lots.

WW – want to see the actual plot plan.

DJ motioned for the petitioner to provide info on property line and the fire wall. HR seconded, DG abstained, motion passed.

3:00 p.m. – Foster Bio-Medical Research Center, 415 South Street, Waltham, V18-290

Jason Hopkins, Code Red consultants

Tom Koch, CLS Consulting Project Manager

Michael McGarey, Brandise University A. D. Design and construction.

Exhibit #1 – Hearing package AAB 1-39

The parties were sworn in.

JH – recap, AAB 11 figure 1 foster building is the two story building on the right side on the left is an adjacent building, the question is the stairs running up the cross slope. HVAC and fire alarm upgrade. Also submitted a time variance previously that was denied.

Updated variance package.

This entrance couldn't be incorporated into the base scope. Figure 2 entrance in question is the West entrance. Accessible parking spot. Will be entering through that entrance. AAB 11 loop road brings you around the building. Incline, cross slope. Greater than 8.3 running slope.

Providing an accessible spot at the east entrance.

Upgrading the West entrance to be accessible

Ramp to go up to the rear entrance switchback turns 6 times. If it was constructed it would go to look road with 8.3 running slope. The rear entrance serves as a convenience entrance. Will have an accessible parking spot. Wanted to keep hardware in the existing condition. Not making accessible we can provide ramp but cost and construction, ramp would lead to non-accessible public way. No one comes through the entrance on a daily basis.

HR – Are you asking for time?

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JH – We got rid of the time variance, this is the one piece wanting relief from.
HR – It will remain a non accessible entrance. Think about signage saying the door is not accessible and put information on the website.
JH – When do you anticipate project completed.
JHopkins – 7/20/2019
JD - AAB 11 flight of stairs. Is that how it will look in the end?
Jason – it will remain as is but a set of handrails on the other side.
RG – The site is challenging.

JD motioned to grant 25.1 the west entrance will remain inaccessible on condition fully compliant handrails are installed on both side of stairs and signage on property and on website and previous request under 23.3.1, 2.3.2 ,20.1 accessible parking accessible route parking and East entrance JH seconded, passed unanimously.

AAB 26

HR left for the day.

20. Wollaston golf Club, 999 Randolph Avenue, Milton, V19-076
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
WW - recused himself
Requested two weeks.

PM motioned to waive the two weeks. GD seconded, passed unanimously.
Access route separated by 3 steps. Equipment and services will be the same.

DG motioned to grant on the condition fitness room b has no unique services or equipment. DJ seconded, passed unanimously.

21. Fay School Camp Building, 48 Main Street, Southborough, V19-067
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Existing dorm. Full compliance, 4 variances
1 - 8.4.1 – distribution of group 2b
Not proposing to renovate dorms at this time.
No vertical access. Not meeting distribution. Looking to not put group 2b in this particular building.

JD motioned to continue for clarification on name of dorms, count of accessible rooms. DG seconded, passed unanimously.

2 – no accessible route sub-basement and ground floor. Both have different entrances.

JD motioned to deny. DG seconded, passed unanimously.
They can come back to us

3.

4. seeking relief on doors. PM motioned to grant. JD seconded, passed unanimously.

Minutes.

JD motioned to accept meeting minutes for February 11, 2019 and March 11, 2019, with the suggested corrections on the February 11, 2019 minutes.

DG seconded, passed unanimously.

22. Harvard Hall, 12 Harvard Yard, Cambridge, V19-069

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Three variances on southern entrance.

1. 25.1 – maintain in current configuration.

RG motioned to renew the variance request. JH seconded, passed unanimously.

2. Stairs at southern entrance

Center of treads have worn unevenly.

Wallside rail – they are free standing. The walls bump out the clearance is high.

27.4.4

JD motioned to grant the stairs and handrail request on the condition of signage and extending handrail further up on request number 2, p10. RG seconded, DJ abstained.

3. RG motioned to grant on sections 26.4 and 26.10.1. JD seconded, past unanimously.

Advisory opinion

23.Renovation and reuse 521 CMR 9.2.1, does an addition to an existing building, either above or beside the building need to have Group 1 units, Doug Anderson, C3

JD motioned to find it is not new construction. JH seconded, passed unanimously.

24.Accessible Thumb Latch, Jeff Clemons, Lee, MA

JD motioned to continue for information on a model type and pictures. JH seconded, passed

Shower Clearance Issue, Lee Roberts, Arrowstreet, A19-011

Would that be considered the center for our purpose. Was this intended such that the space overlaps with..... what is meant by centered on.

Should be aligned generally with one another

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

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*JD motioned to find that clear floor space should be centered generally of the shower opening.
RG seconded, passed unanimously.*

25. Lift Dimensions & Direction of Approach - 28.12.2 b – AAB Staff
Vertical wheelchair platform. Does this require opening on 36 side rather than the long side?

JD motioned that 36 is the opening entry to use platform and 54 is the parking, standing space of the platform. RG seconded, passed unanimously.

26. V15-194 Somerville museum
Somerville Museum, 1 Westwood Road, Somerville, V15-194
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Requested an extension. Have not received

JH motioned to schedule a hearing. PM seconded, passed unanimously.

J Hardin left for the day

27. Falls Elementary School, 2 Jackson Street, North Attleboro, C17-034
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

JD motioned to accept the report and pictures. PM seconded, passed unanimously.

28. Hillcrest at St. Mark's, 400 Columbus Avenue, V17-165
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

JD motioned to accept the pictures and information. RG seconded, passed unanimously.

29. Wellesley College, 106 Central Street, Wellesley, V18-175
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

PM motioned to packet. JD seconded, passed unanimously.

20. Former First District Court of Bristol County, 15 Court Street, V18-195
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Used as an art facility.

PM motioned to accept the report. JD seconded, passed unanimously.

31. Buildings C & D, 4 Lucy Street, 25 Jan Karski Way, Boston, V18-238
Exhibit – Variance Application and associated documents

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Mr. Joyce presented the Variance Application and associated documents.
Received an amendment 1 electrical outlet in living rooms.

PM motioned to grant. JD seconded, passed unanimously.

32. Town of Clinton, Transition Ramps, Multiple Streets, Clinton, V19-039
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
This was a packeted case for this meeting.

JD motioned to grant as proposed on all variance requests. RG seconded, passed unanimously.

33. Ramps, Multiple Streets, Methuen, V19-049
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Packeted case.

JD motioned to continue for an analysis on options of slope down landings at curb cut related to the requests. RG seconded, passed unanimously.

34. 10 Story Building, 121-127 Portland Avenue, Boston, V19-004
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Continued for test drawings on ramp and lift.

JD motioned to deny. RG seconded, passed unanimously.

35. Yeshiva Ohr Ysrael HS for Boys, 325 Reservoir Road, Brighton, V15-307
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Asking for an extension.

JD motioned to schedule a hearing. DJ seconded, passed unanimously.

Due to time constraints the following cases will be taken up at the 4/8/19 meeting

New Multi Family, 227 Havre Street, East Boston, V19-034
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

Charles River Speedway Headquarters, 1420-1440 Soldiers Field Rd, Boston, V19-042
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

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Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

Devereux Advanced Behavioral Health, 33 Cathy Street, Fitchburg, V19-027
Exhibit – Variance Application and associated documents

Tilton Hall, 1 Tilton Avenue, Somerville, V19-054
Exhibit – Variance Application and associated documents

North West corner of Federal and Mathews, Boston, V19-055
Exhibit – Variance Application and associated documents

Andover Hall, 45 Francis Avenue, Cambridge, V19-056
Exhibit – Variance Application and associated documents

Science and Engineering Building, UMass Dartmouth, Dartmouth, V19-057
Exhibit – Variance Application and associated documents

Six Story Building, 3200 Washington Street, Jamaica Plain, V19-058
Exhibit – Variance Application and associated documents

Mary Baker Eddy Historic House, 400 Beacon Street, Newton, V19-059
Exhibit – Variance Application and associated documents

The Central Building, Childcare Center, 332 Main Street, Worcester, V19-060
Exhibit – Variance Application and associated documents

Manning and Associates Physical Therapy, 10 Amelia Drive, Nantucket, V19-061
Exhibit – Variance Application and associated documents

Becker College, 84 William Street, Worcester, V19-062
Exhibit – Variance Application and associated documents

Commercial Office Purpose, 619 South Street, Fitchburg, V19-063
Exhibit – Variance Application and associated documents

Ryan Family Amusement, 19 Circuit Avenue, Oak Bluffs, V19-064
Exhibit – Variance Application and associated documents

Existing Two Story, 20 Triangle Street, Amherst, V19-065
Exhibit – Variance Application and associated documents

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.
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First Baptist Church of New England, 149 William Street, New Bedford, V19-066
Exhibit – Variance Application and associated documents

Fay School Camp Building, 48 Main Street, Southborough, V19-067
Exhibit – Variance Application and associated documents

Three Apartment Buildings, 2300, 2310, 2320 Commonwealth Ave., Newton, V19-068
Exhibit – Variance Application and associated documents

Harvard Hall, 12 Harvard Yard, Cambridge, V19-069
Exhibit – Variance Application and associated documents

Wollaston golf Club, 999 Randolph Avenue, Milton, V19-076
Exhibit – Variance Application and associated documents

Miraval Manson Building, 55 Lee Road, Lenox, V19-070
Exhibit – Variance Application and associated documents

Clippership Apartments, 125 Sumner Street, East Boston, V19-071
Exhibit – Variance Application and associated documents

Clippership Apartments, 133 Summer Street, East Boston, V19-072
Exhibit – Variance Application and associated documents

The Happy Place, 500 Boylston St., Boston, V19-083
Exhibit – Variance Application and associated documents

Somerville Museum, 1 Westwood Road, Somerville, V15-194
Exhibit – Variance Application and associated documents

Yeshiva Ohr Ysrael HS for Boys, 325 Reservoir Road, Brighton, V15-307
Exhibit – Variance Application and associated documents, amendment

Falls Elementary School, 2 Jackson Street, North Attleboro, C17-034
Exhibit – Variance Application and associated documents, report and pictures

Hillcrest at St. Mark's, 400 Columbus Avenue, Pittsfield, V17-165
Exhibit – Variance Application and associated documents, status update

Wellesley College, 106 Central Street, Wellesley, V18-175
Exhibit – Variance Application and associated documents

Former First District Court of Bristol County, 15 Court Street, Taunton, V18-195
Exhibit – Variance Application and associated documents, report

Buildings C & D, 4 Lucy Street, 25 Jan Karski Way, Boston, V18-238
Exhibit – Variance Application and associated documents

March 25 2019

10 Story Building, 121-127 Portland Avenue, Boston, V19-004
Exhibit – Variance Application and associated documents

Town of Clinton, Transition Ramps, Multiple Streets, Clinton, V19-039
Exhibit – Variance Application and associated documents

Ramps, Multiple Streets, Methuen, V19-049
Exhibit – Variance Application and associated documents

Firewall Separating Dwelling Units – David Franck, Dream Collaborative, A18-019
Advisory Opinion

Thumb Latch on Egress Doors – 26.11.3 – Jeffery Clemons, Town of Lenox
Advisory Opinion
Lift Dimensions & Direction of Approach - 28.12.2 b – AAB Staff
Advisory Opinion

Shower Clearance Issue, Lee Roberts, Arrowstreet, A19-011
Advisory Opinion

Renovation and reuse 521 CMR 9.2.1 - Doug Anderson, C3
Advisory Opinion

Elmer Raymond Jr. Park, 1138 Long Pond Road, Plymouth, C18-016 (Complaint)
Nelson Memorial Park, 235 Water Street, Plymouth, C18-014 (Complaint)
Forges Field, 80 Jordan Road, Plymouth, C18-015 (Complaint)
Exhibit #1 Hearing packet AAB
Exhibit #2 Information from the Town of Plymouth on work that has been done since the complaint
Exhibit #3 – Pictures of picnic tables on concrete slabs

Truth Organic Spa, 55 Main Street, North Grafton, V18-331(Variance Hearing)
Exhibit #1 AAB 1-48
Exhibit #2 Picture of ramp

Forest Street Apartments, 16-19 Forest Street, Cambridge, V18-327
Exhibit #1 Hearing package AAB 1 – 52